

803 KAR 2:180, Recordkeeping, reporting, statistics

#### BACKGROUND

An amendment to 803 KAR 2:180 was filed by the Kentucky Department of Labor with the Legislative Research Commission Regulations Complier's Office on December 14, 2004. Pursuant to KRS 13A, the amendment will be published in the Kentucky Administrative Register on January 3, 2006.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on January 26, 2006 at 1:00 p.m. EST, at the Kentucky Department of Labor, Office of Worker's Claims, Oscar Morgan, Jr. Conference Room, 2nd floor, Prevention Park. 657 Chamberlin Avenue, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by January 18, 2006, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until January 31, 2006. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact persons.

#### Contact persons:

Leslie E. Renkey, Director, Labor Legal Division, Office of Legal Services, Environmental and Public Protection Cabinet, 1047 U.S. 127 S., Suite 4, Frankfort, Kentucky 40601, telephone (502) 564-3070, fax (502) 564-5484; and

David Stumbo, Health Standards Specialist, Office of Occupational Safety and Health, Department of Labor, Environmental and Public Protection Cabinet, 1047 U.S. 127 S., Suite 4, Frankfort, Kentucky 40601, telephone (502) 564-3070, fax (502) 564-5484.

1 ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

2 Department of Labor

3 Office of Occupational Safety and Health

4 (Amendment)

5 803 KAR 2:180. Recordkeeping; reporting; statistics.

6 RELATES TO: KRS 338.121(3), KRS 338.161, 29 C.F.R. Part 1904

7 STATUTORY AUTHORITY: KRS 338.061, KRS 338.161

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.161(1) authorizes  
9 the Office of Occupational Safety and Health, Department of Labor, Environmental and  
10 Public Protection Cabinet [~~Department of Workplace Standards~~] to promulgate  
11 administrative regulations requiring employers to report their occupational safety and  
12 health statistics. 29 C.F.R. Part 1904 establishes the federal requirements for the  
13 recording and reporting of occupational illnesses and injuries. This administrative  
14 regulation establishes recordkeeping and reporting requirements for employers covered  
15 under KRS Chapter 338 as necessary and appropriate for enforcing [~~the enforcement of~~]  
16 KRS Chapter 338;[~~for~~] developing information regarding the causes and prevention of  
17 occupational accidents and illnesses;[~~;~~] and [~~for~~] maintaining a program of collection,  
18 compilation, and analysis of occupational safety and health statistics.

19 Section 1. Definitions.

20 (1) “Amputation” means an injury in which a portion of the body including bone  
21 tissue is removed.

22           (2) “Employee” is defined by KRS 338.015(2).

23           (3) “Employer” is defined by KRS 338.015(1).

24           (4) [(4)] “Occupational Safety and Health Act” means the Kentucky

25 Occupational Safety and Health Act of 1972 (KRS Chapter 338).

26           (5) [(2)] “Secretary of Labor” means the Secretary of the United States

27 Department of Labor or the Commissioner of the Department of Labor, Environmental

28 and Public Protection Cabinet. [~~Secretary of the Kentucky Labor Cabinet.~~]

29           (6) [(3)] “Section 11(c) of the Act” means KRS 338.121(3).

30           Section 2. Employers shall comply with the reporting and recording of

31 occupational injuries and illnesses established at 29 CFR Part 1904, revised as of July 1,

32 2005, as amended by the definitions in Section 1 and the requirements in Section 3 of this

33 administrative regulation.

34           ~~[Section 2. Incorporation by Reference.~~

35           ~~(1) The following material is incorporated by reference:~~

36                   ~~(a) 29 CFR 1904, “Recording and Reporting Occupational Injuries and~~

37 ~~Illnesses,” revised as of July 1, 2002, published by the Office of the Federal~~

38 ~~Register, National Archives and Record Services, General Services~~

39 ~~Administration and;~~

40                   ~~(b) The revisions to 29 C.F.R. 1904, “Recordkeeping and Reporting~~

41 ~~Occupational Injuries and Illnesses, as published in the Federal Register, June 30,~~

42 ~~2003, Volume 68, Number 125, pages 38601-38607.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

Section 3. Reporting fatalities, amputations, or in-patient hospitalizations.

(1) Within eight (8) hours after the death of an employee as a result of a work-related incident or the hospitalization of three or more employees as a result of a work-related incident is reported to the employer, the employer's agent, or another employee, the employer shall orally report the incident to the Kentucky Department of Labor, Office of Occupational Safety and Health, Division of Compliance, at (502) 564-3070. If the employer can not speak with someone in the Frankfort office, the employer shall report the incident using the OSHA toll-free, central telephone number, 1-800-321-OSHA (1-800-321-6742).

(2) Within seventy-two (72) hours after an amputation as a result of a work-related incident or the hospitalization of fewer than three employees as a result of a work-related incident is reported to the employer, the employer's agent, or another employee, the employer shall orally report the incident to the Kentucky Department of Labor, Office of Occupational Safety and Health, Division of Compliance, at (502) 564-3070.